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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,812	07/10/2008	Anders Peter Kolstrup	378/9-2264	6271
28147	7590	08/19/2011	EXAMINER	
WILLIAM J. SAPONE COLEMAN SUDOL SAPONE P.C. 714 COLORADO AVENUE BRIDGE PORT, CT 06605			HO, HA DINH	
			ART UNIT	PAPER NUMBER
			3655	
			NOTIFICATION DATE	DELIVERY MODE
			08/19/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

wsapone@cssiplaw.com  
wjspatent@aol.com  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/585,812	KOLSTRUP, ANDERS PETER	
	<b>Examiner</b>	<b>Art Unit</b>	
	HA HO	3655	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/25/10</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This is the first Office Action on the merits of Application No. 10/585,812 filed on 07/10/2008. Claims 1-10 are currently pending.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of using the implied phrase, i.e., "according to the invention" (see line 1). Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of improperly making reference to claims (see page 2, lines 16, 20, 23, 27, 30 and page 3, lines 3, 7, 11 and 15).

Appropriate correction is required.

### ***Claim Objections***

5. Claim 1 is objected to because of the following informalities:

- In line 4, "(6)" should be changed to --(16)--.

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- In line 4, “which clutch” should be changed to --said clutch--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- The following limitations lack antecedent basis in the claim:

- “the driving part” in claim 1, line 3,
- “the driving movement” in claim 1, lines 4-5,
- “the planet shaft” in claim 1, line 5,
- “the electromagnetic type” in claim 2, line 2,
- “the tooth engagement” in claim 3, lines 1-2,
- “the clutch part” in claim 3, line 2,
- “the planet shaft” in claim 3, line 2,
- “the clutch part” in claim 3, line 3,
- “the planet shaft” in claim 3, line 4,
- “the drive plate” in claim 4, line 3,
- “the drive movement” in claim 4, line 4,
- “the tooth engagement” in claim 4, lines 4-5,

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- “the drive plate” in claim 5, lines 2-3,
- “the individual clutch elements” in claim 6, line 2,
- “the axis of rotation” in claim 6, line 4,
- “the holding” in claim 8, lines 1-2,
- “the movement” in claim 8, lines 2-3,
- “the planet shaft” in claim 8, line 3,
- “the primary sun shaft” in claim 8, line 4,
- “the secondary sun shaft” in claim 8, line 5,
- “the output shaft” in claim 8, line 5,
- Claim 1, line 6, the term “it” is unclear because the intended antecedent of “it” is unclear.
- Claim 2, line 2, the additional of the word “type” to an otherwise definite expression extend the scope of the expression in the claim so as to render the claim indefinite.  
Ex parte Copenhaver, 109 USPQ 118 (Bd. App. 1955).
- Claim 10, line 3, the limitation “the brake” is unclear of its reference because a plurality of “brakes” is recited in claim 9, line 3.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Scheiter (US 3,682,020).

Scheiter shows a multistage planetary gear incorporated in a gear housing 12 and comprising an outer ring 54, planet wheels 62 and a sun shaft 86, characterized in that a clutch 44 is mounted between a driving part 72 of the gear and the outer ring 54, the clutch 44, in the engaged state, transfers a driving movement to a toothed rim 140 provided on a planet shaft (the shaft portion of the member 72), while, in the disengaged state, the driving movement is transferred directly to the outer ring 54.

Regarding claim 3, wherein a tooth engagement between a clutch part 139 and the planet shaft comprises an internal toothing on the clutch part 139 and an external toothing 140 on the planet shaft.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scheiter (US 3,682,020) in view of Matsubara et al (US 6,425,838).

The clutch 44 of Scheiter is hydraulic clutch not an electromagnetic clutch.

Matsubara et al shows an apparatus having a planetary gear and an electromagnetic clutch 40 (see Fig. 3).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the hydraulic clutch of Scheiter by the electromagnetic clutch of Matsubara et al since selecting any of the existing type of clutches is old and well known in the art.

***Allowable Subject Matter***

12. Claims 4-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Cited Prior Art***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see the attached form PTO-892).

***Communication***

14. Submission of your response by facsimile transmission is encouraged. The fax phone numbers for the organization where this application or proceeding is assigned are **(571) 273-8300**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see M.P.E.P. 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check. Responses submitted by facsimile transmission should include a Certificate of Transmission (M.P.E.P. 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to

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the Patent and Trademark Office on \_\_\_\_\_

(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and M.P.E.P.. 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ha D. Ho whose telephone number is **571-272-7091**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Le can be reached on 571-272-7092.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/HDH/  
(571) 272-7091  
August 15, 2011

/Ha D. Ho/  
Primary Examiner, A.U. 3655